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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,654	02/27/2004	William Harrison Allen	141647.00001-P1266US00	9187

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EXAMINER

HU, KANG

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/789,654

Applicant(s)

ALLEN, WILLIAM HARRISON

Examiner

Kang Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/3/06; 5/24/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendments to the claims along with the arguments have been entered on 2/27/2006.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The use of legal phraseology was found in line 4 of the abstract, which recites "means for".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 11, 12, 14 - 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 11, 15 and 16 recite the limitation "elongated length of first material slidingly associated with a length of second material...". Claim 12 recite "a plurality of three-dimensional images of pause points of different length associated with three-dimensional bumps to touch and stop eye movement left to right..." Claim

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14 recites "said texture is a velvet-like surface"; claim 17 recites the limitation "plurality of horizontal lines" and claim 19 recites "visual depiction of a stylized eye". These limitations were not found in the original specification at the time of filing.

Claim 18 is also rejected for dependent upon claim 16.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 13, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soto et al. (US 6,954,199) in view of Sameth et al. (US 5,882,202), and further in view of Manger (US 4,427,390).

Regarding claim 1, Soto discloses an electronic book, comprising: a binder comprised of a rigid material and having a first section and a second section, both sections being pivotably associated with each other by a middle hinge portion (Col. 11, lines 43-51); a means for generating a plurality of audio sounds in response to an actuating signal (Col. 6, lines 43-47); a plurality of pages associated with the binder, each page comprising a first side and a second side, each page

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having a plurality of discrete regions comprising: a region comprising a set of printed instructions (See Fig. 1), a region comprising a three-dimensional structural graphic image (Col. 3, lines 55-58; Col. 6, line 65 - Col. 7, line 2), a region displaying a word (Col. 8, lines 63-65), a region displaying the spelling of the word (Col. 6, lines 50-51; Col. 9, lines 28-32); and providing an audible pronunciation aid (Col. 6, lines 54-56). Although Soto discloses a pronunciation aid, the reference does not explicitly disclose a region on the page for displaying a guide for pronunciation and a region for providing a definition of a word. However, Sameth teaches an apparatus for language instruction comprising a region for displaying a guide for pronunciation and a region for providing a definition of a word (See Sameth, Col. 5, lines 36-48; Col. 6, lines 61-62). Thus, in view of Sameth, it would have been obvious to modify the content of the book described in Soto, by displaying a guide for pronunciation and providing definitions, in order to reinforce language instruction by providing a visual representation in conjunction with audio (See Sameth, Col.2, lines 28-35). In addition, where the only difference between a prior art product and a claimed product is printed matter that is not functionally related to the product, the content of the printed matter will not distinguish the claimed product from the prior art. *In re Ngai*, ___ F.3d ~ 2004 WL 1068957 (Fed. Cir. May 13, 2004). See also *In re Gulack*, 703 F.2d 1381, 1385-86, 217 USPQ 401,404 (Fed. Cir. 1983)("Where the printed matter is not functionally related to the substrate, the printed matter will not distinguish the invention from the prior art in terms of patentability.... The critical question is whether there exists any new and unobvious functional relationship between the printed matter and the substrate.").

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The combination of Soto and Sameth disclose all of the claimed subject matter with the exception of explicitly disclosing a word in three-dimensions and textured. However, Manger (US 4,427,390) discloses a reading and writing aid for helping individuals with learning difficulties, wherein words are presented in three dimensions so that the individual may determine whether or not a character is correctly oriented by distinguishing between the left and right sides of the characters (Col. 3, lines 1-25). In view of Manger, it would have been obvious to an artisan to modify the language instruction apparatus described in the combination of Soto and Sameth, by providing three dimensional words so that the individual suffering from dyslexia may determine whether or not a character is correctly oriented by distinguishing between the left and right sides of the characters. It would also be obvious to ordinary skill in the art that any surface area is textured, whether it is a rough texture or a smoother texture, the letters of the binder are raised in 3d and textured as shown in (figs 1-6 in Manger).

Regarding claim 2, Soto discloses a means for generating an audio sound comprising a circuit having a sound generator responsive to a signal; a plurality of user input interfaces each interface corresponding to a distinct sound or word, each interface being in electrical communication with said sound generator; a means for powering the sound generator; a memory storage means for storing at least one sound or word (Col. 6, lines 43-56; Col. 15, lines 52-63).

Regarding claim 3, Soto discloses a battery 63 (Col. 7, line 15).

Regarding claim 4, Soto discloses a speaker (Col. 4, lines 7-8).

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Regarding claim 5, Soto discloses an input interface comprising an actuatable button 5.

Regarding claim 6, Soto discloses housing portions 1 and 2, the housing being associated with said binder (See Fig. 8).

Regarding claims 7, 13 and 14, the combination of Soto and Sameth disclose all of the claimed subject matter with the exception of explicitly disclosing a word in three-dimensions. However, Manger (US 4,427,390) discloses a reading and writing aid for helping individuals with learning difficulties, wherein words are presented in three dimensions so that the individual may determine whether or not a character is correctly oriented by distinguishing between the left and right sides of the characters (Col. 3, lines 1-25). In view of Manger, it would have been obvious to an artisan to modify the language instruction apparatus described in the combination of Soto and Sameth, by providing three dimensional words so that the individual suffering from dyslexia may determine whether or not a character is correctly oriented by distinguishing between the left and right sides of the characters. It would also be obvious to ordinary skill in the art at the time of the invention that any surface area is textured, or could be made of velvet-like surface treatment. Whether it is a rough texture or a smoother texture, the letters of the binder are raised in 3d and textured as shown in (figs 1-6 in Manger).

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Regarding claim 20, Soto teaches the audio sound in the invention providing auditory information regarding the subject word (col 2, lines 1-5; col 5, lines 14-40, lines 55-65; col 6, lines 42-64; col 8, lines 6-16, col 9, lines 32-52).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soto et al. (US 6,954,199) in view of Sameth et al. (US 5,882,202), and further in view of Manger (US 4,427,390) and further in view of Bell (US 5,306,006).

Regarding claim 9, the combination of Soto, Sameth and Manger discloses all of the claimed subject matter in the above rejection with the exception of explicitly disclosing the raised set of punctuation symbol taught in Bell (US 5,306,006) (Col 6, lines 49-64). Further in view of Bell, it would be obvious to one of ordinary skill in the art at the time of the invention to have raised set of punctuation symbol in the book for teaching aids for students learning the word, its spelling, punctuations and the meaning of the word.

7. Claim 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soto et al. (US 6,954,199) in view of Sameth et al. (US 5,882,202), and further in view of Manger (US 4,427,390) and further in view of Bell (US 5,306,006) and further in view of Stewart et al. (US 3,721,021).

Regarding claims 10 and 11, the combination of Soto, Sameth, Manger and Bell are taught above, they fail to teach of a movable eye marker, which is taught in Stewart et al. (US

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3,721,021). Stewart discloses of a reading pacer device that directs the eye movement (abstract, fig 1, cols 1 and 2). It would be obvious to one of ordinary skill in the art at the time of the invention to have a reading pacer or movable eye marker in assisting the disabled individual to follow the context of the material.

Allowable Subject Matter

Claim 8 is allowed. Patentability is seen in, although not limited to independent claims 8, the combination of methods for teaching dyslexic individuals with the apparatus disclosed herein, elements specifically claimed for teaching dyslexic individuals. The closest prior art of record does not teach or fairly suggest the claimed elements in the combination.

Response to Arguments

Applicant's argument, filed February 27th, 2006 have been fully considered but are not persuasive.

The applicant's arguments in regards to the obviousness to combine Soto et al (US 6,954,199) in view of Sameth et al. (5,882,202), further in view of Fioramonti (5,114,346) are not persuasive. The argument provided by the applicant has been considered carefully and does not provide the evidence for lack of motivation. All three of the arts used in the rejection are pertaining to education of learning disabled individuals (same field of endeavor). The individual art by themselves does not teach the rejected invention, but combined together they clearly teach what would have been obvious to an artisan to modify the language instruction apparatus described in

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the combination of Soto and Sameth, by providing three dimensional words in Fioramonti so that the individual suffering from dyslexia may determine whether or not a character is correctly oriented by distinguishing between the left and right sides of the characters.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/
Kang Hu
April 5th, 2007

Kathleen Mosser
KATHLEEN MOSSER
PRIMARY EXAMINER